

(K)
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE G.C. BHARUKA

WRIT PETITION NO. 8422/1998

Between:

Madhava T
s/o Thippasetty,
aged about 23 years,
Occupation Ex-Army
Serving at Madras
Regiment Centre
Willington, (Nilgiris)
Pin Code No. 643231

Also presently residing:
Village Shivanara Halli,
Post Uthnur,
Mulbagal,
Kolar District,
KARNATAKA.

... Petitioner.

(By Sri Chandraseet Yadav, Advocate).

And:

1. Officer Commanding,
Depot Company,
Madras Regiment Centre,
Wellington (Nilgiris)
Pin Code No. 643 231.

....2/-

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2. Officer of Commanding
Madras Regiment
Abilekh Karyalaya
Record, The Madras Regiment,
Post Bag No.1,
Willington (Nilgiris)
Pin Code No.643231.
 3. Army Head Quarters,
Southern Command,
Pune,
Maharashtra.
 4. Army Head Quarters,
(AG-TRQ)
Sena Bhawan,
New Delhi-110 011.
 5. Commanding Officer,
Office of the C.C.D.A.(Pensions)
Allahabad,
Uttar Pradesh.
 6. The Under Secretary
Govt. of India,
Ministry of Defence (pen-A)
New Delhi-110 011.

... Respondents.

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to quash Annexure-D dt. 24-12-94 passed by respondent No.2, etc.

This writ petition coming on for preliminary hearing this day, the Court made the following:-

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After some argument it was pointed to the learned counsel for the petitioner that keeping in view the provisions of Article 226(2) of the Constitution of India the writ petition is not maintainable. He seeks permission to withdraw the same with liberty to move the appropriate forum. Permission is granted. The writ petition is dismissed with liberty to choose the competent forum having jurisdiction over the matter. All the rights and contentions are kept open.



Sd/-
JUDGE

rsk